

SENATE BILL 1283  
By McNally

AN ACT to amend Chapter 57 of the Private Acts of 1959; and any other acts amendatory thereto, relative to the general sessions court of Loudon County; to create an additional general sessions court in Loudon County; and to provide for a judge to serve such court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Effective August 1, 2004, there is hereby created and established an additional Court of General Sessions in and for Loudon County, Tennessee, which shall be designated "Division II, Court of General Sessions of Loudon County, Tennessee" and the existing court created by Chapter 57 of the Private Acts of 1959 shall be designated "Division I, Court of General Sessions in and for Loudon County, Tennessee".

SECTION 2. The Judge for Division II, Court of General Sessions of Loudon County, Tennessee, shall be required to possess all the qualifications and shall be paid the same compensation as prescribed by general law for general sessions judges and shall take the oath prescribed for such judges. The Judge of Division II shall be elected by the qualified voters of Loudon County at the regular August election in 2004. The judge elected in 2004 to serve Division II shall serve until September 1, 2006, or until such judge's successor is elected and

qualified. At the August general election in 2006, and every eight (8) years thereafter, the qualified voters of Loudon County shall elect a person to serve as Judge of Division II for a term of eight (8) years.

SECTION 3. The jurisdiction of Division II of the Court of General Sessions of Loudon County, Tennessee, and the judge thereof, shall be the same as that provided by private act or general law for Division I of the Court of General Sessions of Loudon County, Tennessee. The judges of all Divisions of such court are hereby vested with and shall have interchangeable jurisdiction consisting of all civil and criminal jurisdiction prescribed by general law for judges of general sessions and as set forth in Chapter 57 of the Private Acts of 1959, Chapter 284 of the Private Acts of 1963 and Chapter 86 of the Private Acts of 1981.

SECTION 4. If a vacancy occurs for any reason in the office of the Judge of Division II Court of General Sessions of Loudon County, Tennessee, the vacancy shall be filled by appointment of the Loudon County Board of Commissioners of some person qualified to fill such vacancy; and such person so appointed by the Board shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION 5. The Loudon County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created; and, to the extent necessary, the judges of the various Divisions, the clerks and such other personnel as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Loudon County, upon creation of Division II, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Loudon, Tennessee, the necessary furnishings and supplies and equipment for the proper operation and maintenance of the Court, and pay for such expenses out of the County general funds. The regular place for holding such Court shall be in the courtroom

provided in Loudon, Tennessee, but at the discretion of the Judge of Division II, court may be held in any other place or places and at such time and places as the judge may designate.

SECTION 6. The Judge of the existing General Sessions Court of Loudon County, Tennessee, as hereinabove designated the Judge of Division I, Court of General Sessions of Loudon County, Tennessee shall, upon passage of this act, assume the position of Senior Judge of the General Sessions Courts of Loudon County, Tennessee. Thereafter, the position of Senior Judge of the General Sessions Court of Loudon County, Tennessee, shall be determined by the length of tenure of a judge of the General Sessions Court of Loudon County, Tennessee. In the event that new judges are elected to the seats of both the Division I and Division II, Courts of General Sessions of Loudon County, Tennessee in the same year, then that judge which has received the most votes in the election shall be the Senior Judge. The Senior Judge of the General Sessions Courts of Loudon County, Tennessee, shall be authorized and empowered to set the Courts' dockets, assign cases and hire personnel associated with the General Sessions Courts of Loudon County, Tennessee, and shall be in charge of the general administration of the General Sessions Courts of Loudon County, Tennessee.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Loudon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Loudon County and certified to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For purposes of qualifying for, and seeking election to, the office of judge of the court created by this act, it shall take effect on January 1, 2004. For all other purposes, it shall become effective as provided in Section 7.